

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

PAMELA G. CAPPETTA)	
<i>on behalf of herself and those similarly situated</i>)	
Plaintiff,)	
)	
v.)	Civil Action
)	No. 3:08cv288
GC SERVICES, LP)	
)	
Defendant.)	
)	

STIPULATION TO WITHDRAW PLAINTIFF'S MOTION TO CONSOLIDATE

COMES NOW the Plaintiff, by counsel, and after conferring with the Defendant, she stipulates to the withdrawal of her pending Motion to Consolidate. Her motion to consolidate the present case with *Lestyk* and *Thomas* was filed prior to the Court's November 12, 2009 Order certifying a class of authorized users residing in Virginia. As the parties are now conferring and preparing to send a notice to the Cappetta class members informing them of the trial date and establishing certain pre-trial deadlines, the consolidation of the trial of the present matter would not create significant judicial economies, but would rather delay the trial in this matter.

Further, Plaintiff submits that the litigation economy between the cases is already accomplished given the substantial overlap of discovery between them. Much of the discovery obtained in the *Cappetta* matter is similarly discoverable and to the same extent relevant in *Lestyk* and *Thomas*, for example, as to notice, willfulness, pattern and practice, and as to whether a bona fide error occurred.

For these reasons, Plaintiff hereby stipulates to the withdrawal of her Motion to Consolidate.

Respectfully submitted,
PAMELA G. CAPPETTA,

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of December, 2009 I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification to the following:

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